IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WA.No. 2748 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.24176/2007 Dated 09/10/2007
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APPELLANT: PETITIONER:

R. SAROJINI,
PART TIME MENIAL, GOVERNMENT L.P.SCHOOL,
COTTON HILL, VAZHUTHACAUD, THIRUVANANTHAPURAM,
RESIDING AT MELEPANANVILA VEEDU, T.C.8/1365(2),
ARAYALLOOR, THIRUMALA (P.O),THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL

RESPONDENTS: RESPONDENTS:
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1. THE ASSISTANT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM SOUTH.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

4. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, GENERAL EDUCATION,
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.SANDESH RAJA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

W.A.No.2748 OF 2007

Dated this the 20th day of November, 2007

JUDGMENT

Radhakrishnan, J.

This appeal is against the judgment of the learned Single Judge in W.P.(C)No. 24176/07. Learned Single Judge rejected the claim of the petitioner holding that the benefit of re-option to get back to the part time contingent post can only be subject to the refund of the excess salary received by the petitioner as full time menial. Petitioner was appointed as part time menial and she accepted the promotion as full time menial after submitting the declaration in the prescribed form and on condition that she will have to retire at the age of 55 years. Petitioner submitted Exts.P1 to P3 representations insisting the Government to allow her to continue as part time menial upto the age of 70 years. There is no statutory provision in support of the claim of the petitioner. We find that if the petitioner wants to continue as part time menial upto the age of 70 years, she will have to refund the excess salary received by her as full time menial. In such circumstances, Writ Appeal stands dismissed.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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